

Patrick J. Kearns (*Admitted Pro Hac Vice*)
 Taylor Allin (AZ Bar No. 031834)
 Sarena L. Kustic (*Admitted Pro Hac Vice*)
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
 2231 East Camelback Road, Suite 200
 Phoenix, Arizona 85016
 Telephone: (480) 562-3660
 Facsimile: (480) 562-3659
 Email: Patrick.Kearns@wilsonelser.com
 Taylor.Allin@wilsonelser.com
 Sarena.Kustic@wilsonelser.com

Attorneys for Defendant, American Airlines, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sean Bennett, an individual,

Plaintiff,

vs.

City of Phoenix, a governmental entity;
 American Airlines, Inc., a foreign
 corporation; Officer Joel Cottrell and
 Jane Doe Cottrell, a married couple;
 Officer Benjamin Denham and Jane Doe
 Denham, a married couple; Officer
 Todd Blanc and Jane Doe Blanc, a
 married couple; Officer Peru and Jane
 Doe Peru, a married couple; Sergeant
 Hogan and Jane Doe Hogan, a married
 couple;

Defendant(s).

Case No. 2:23-cv-02425-ROS--DMF

**SEPARATE STATEMENT OF
 FACTS IN SUPPORT OF
 DEFENDANT AMERICAN
 AIRLINES' MOTION FOR
 SUMMARY JUDGMENT OR
 ALTERNATIVELY, SUMMARY
 ADJUDICATION**

District Judge: Hon. Roslyn O. Silver
 Magistrate Judge: Hon. Deborah M. Fine

Pursuant to Federal Rule of Civil Procedure 56(c)(1) and Local Rule 56.1(a),
 Defendant AMERICAN AIRLINES hereby submits the following separate statement
 of facts in support of its Motion for Summary Judgment or Alternatively Summary
 Adjudication.

///

///

///

1 1. On August 13, 2021, Plaintiff SEAN BENNETT (“Plaintiff”) boarded
2 American Airlines Flight 2391 from Phoenix, AZ, to Anchorage, AK. (**Dkt. No. 1-1**,
3 Complaint, at ¶ 17.)

4 2. Plaintiff did not comply with flight crew instructions on board the
5 subject aircraft. (**Exhibit A**, Declaration of Audrey Weishaar, at ¶¶ 1-12; **Exhibit B**,
6 Declaration of Hannah Brown, at ¶¶ 1-5; **Exhibit C**, Declaration of Eryn Scannell, at
7 ¶¶ 1-6.)

8 3. Plaintiff argued with the flight crew and shouted onboard the subject
9 aircraft. (**Exhibit A**, at ¶¶ 8-14; **Exhibit B**, at ¶¶ 5-6; **Exhibit C**, at ¶¶ 6-8.)

10 4. Plaintiff’s behavior was concerning and disruptive for the flight crew
11 and other passengers. (**Exhibit A**, at ¶¶ 8-10; **Exhibit B**, at ¶¶ 3-7; **Exhibit C**, at ¶¶
12 7-11.)

13 5. The flight crew determined Plaintiff needed to be removed from the
14 subject aircraft. (**Exhibit A**, at ¶ 11.)

15 6. Plaintiff initially refused to deplane the subject aircraft when asked by
16 flight crew. (**Exhibit D**, Excerpts from Deposition of Sean Bennett (“Bennett
17 Depo.”), at 50:17-51:3; 66:5-18; **Exhibit A**, at ¶¶ 11-13; **Exhibit B**, at ¶ 7.)

18 7. The Pilot called an American Airlines Tower Gate Dispatcher and
19 reported, “We’ve got a combative passenger on board[,] we need police down here
20 A.S.A.P.” (**Exhibit E**, Plaintiff’s Responses to Defendant’s Interrogatories (Set One),
21 No. 3; **Exhibit F**, Plaintiff’s Supplemental Production, Phoenix Police Department
22 Incident Report, Bates No. BENNETT_000098-109, at Bates No.
23 BENNETT_000099.)

24 8. The Tower Gate Dispatcher called Aviation Police Dispatch and said,
25 “On board the aircraft, I’ll need LEO’s, I have a male passenger her[e] being
26 combative with flight crew.” Aviation Police Dispatch asked if the passenger was
27 physically fighting, and she responded, “That’s my understanding.” (**Exhibit E**, at
28 No. 3., **Exhibit F**, at Bates No. BENNETT_000099.)

1 9. Plaintiff was eventually coaxed off the aircraft by another passenger
2 after American Airlines told him they would have to deboard the while plane if he
3 did not exit. (**Exhibit D**, at 49:23-51:3, 56:18-23, 66:5-18.; **Exhibit A**, at ¶ 14,
4 **Exhibit B**, at ¶ 7; **Exhibit C**, at ¶ 10.)

5 10. Plaintiff traveled up the jetway bridge and forcefully “busted through”
6 the door into the gate area at Gate A-20. (**Exhibit G**, Declaration of Annette
7 Edmonds-Hodge, at ¶¶ 1-7; **Exhibit H**, Declaration of Jeff Ferrari, at ¶¶ 1-6.)

8 11. An American Airlines Gate Manager present at the gate was on the
9 phone with an American Airlines Tower Gate Dispatcher and reported, “someone
10 just busted out through the door. Can you get me LEO’s because I got some guy that
11 is very agitated.... LEO’s. I gotta get in front of someone. OK.” (**Exhibit E**, at No. 3;
12 **Exhibit F**, at Bates No. BENNETT_000099.)

13 12. After the American Airlines Gate Manager requested law enforcement
14 officers to the gate area, the Tower Gate Dispatcher made a second call to Aviation
15 Police Dispatch and said, “Regarding Gate Alpha 20 and a combative passenger, they
16 are currently off the aircraft and in the jetway” and “they do have him at the podium
17 now, the gate podium, and they, please, they say please get LEO’s there A.S.A.P.”
18 (**Exhibit E**, at No. 3; **Exhibit F**, at Bates No. BENNETT_000099.)

19 13. American Airlines did not provide any other statements to law
20 enforcement prior to Plaintiff’s arrest. (**Exhibit E**, at No. 1.)

21 14. Plaintiff eventually left the gate area at Gate A-20 and walked toward
22 the Admiral’s Club across from Gate A-20. (**Exhibit G**, Declaration of Annette
23 Edmonds-Hodge, at ¶ 8; **Exhibit H**, Declaration of Jeff Ferrari, at ¶ 7.)

24 15. Police officers encountered Plaintiff near the Admiral’s Club across
25 from Gate A-20. (**Exhibit I**, Plaintiff’s Responses to Requests for Admission (Set
26 One), at No. 21; **Exhibit G**, at ¶ 9; **Exhibit H**, at ¶¶ 7-8; **Exhibit F**, at Bates No.
27 BENNETT_000108.)

28 ///

1 16. Plaintiff got into a physical altercation with the police officers and was
2 arrested. (**Exhibit D**, at 68:1-11; **Exhibit F**, at Bates No. BENNETT_000108.)

3 17. The arrest Plaintiff complains of occurred on August 13, 2021. (**Exhibit**
4 **D**, at 23:2-6; **Exhibit I**, at No. 21; **Exhibit F**, at Bates No. BENNETT_000108.)

5 18. Plaintiff commenced this case on August 11, 2023. (**Docket. No. 1-1**,
6 Complaint.)

7 19. Law enforcement officers are trained on how to assess the situations
8 they encounter, including a suspect's body language, reactions, and threats, and
9 evaluate each situation in order to react appropriately. (**Exhibit J**, Deposition of
10 Officer Todd Blanc, at 30:21-25.)

11 20. Police officers must independently decide whether physical force is
12 appropriate and only use such force when necessary. (**Exhibit J**, at 31:5-13.)

13 21. While a reported physical altercation may cause an officer to act with
14 more urgency to arrive on scene, the officer must still individually and independently
15 assess the circumstances they are confronted with when her or she arrives to the
16 scene. (**Exhibit J**, at 40:7-16.)

17 22. Officers do not use force simply because they receive an urgent call but,
18 instead, will only physically subdue a suspect if, based on their own independent
19 judgment, the suspect is non-compliant or threatening. (**Exhibit J**, at 40:17-41:1;
20 41:17-20.)

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

23. Plaintiff concedes that responding officers have an independent duty to investigate the situation prior making an arrest. (**Dkt. No. 13**, Plaintiff's Response in Opposition to City Defendants' Motion to Dismiss, at 5:20-6:12.)

Respectfully submitted,

Dated: December 22, 2025

By: /s/ Patrick Kearns
Patrick J. Kearns, Esq.
Taylor Allin, Esq.
Sarena L. Kustic, Esq.
*Attorneys for Defendant, American
Airlines, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served this 22nd day of December 2025, using this Court's CM/ECF filing system which will electronically transmit a copy to all counsel of record.

Respectfully submitted,

Date: December 22, 2025

By: /s/ Patrick Kearns
Patrick J. Kearns, Esq.
*Attorneys for Defendant, American
Airlines, Inc.*